

REMARKS

As a preliminary matter, Applicants affirm the provisional election with traverse to prosecute the invention of claims 14-17 made by Sean M. McGinn on February 10, 2005.

Although Groups I, II and III are classified in different classes and subclasses, the Examiner's search with regard to the Group I, II and III claims would be coextensive, such that there would be no additional searching burden placed on the PTO in the examination of the Group I, II and III claims in the same application.

Further, even assuming arguendo that a slight, additional searching burden was imposed on the PTO if the Group I, II and III claims were examined in the same application, the burden on the Applicants would be much greater in terms of financial considerations, since a divisional application is likely to be filed. Divisional applications are costly, with the present filing, issue and maintenance fees alone being \$5,000. Thus, from a financial standpoint, Applicants' cost associated with filing and prosecuting a divisional application are believed to outweigh any additional costs (e.g., due to searching) incurred by the PTO if claims 1-20 were to be examined in the same application.

Claims 14-21 and 21-28 are all the claims presently pending in the application. Claims 14 and 15 have been amended to more clearly define the invention. Claims 21-28 have been added to provide more varied protection for the claimed invention and to claim additional features of the invention. Claims 1-13 and 18-20 have been canceled without prejudice or disclaimer. Applicants reserve the right to file divisional applications directed to the subject matter of the canceled claims.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims

or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claims.

Claims 14-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Quantrille et al. (U.S. Patent No. 5,431,991; hereinafter "Quantrille"). Claims 14-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cohen et al. (U.S. Patent No. 5,736,473; hereinafter "Cohen"). Claims 14-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Evans et al. (U.S. Patent No. 3,494,821; hereinafter "Evans").

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a woven/non-woven fabric. The fabric includes a plurality of waste threads of a natural fiber forming a web of a predetermined weight. A consistency and rigidity of the web are provided by a liquid spray at high pressure and subsequent removal of moisture using high temperature. The plurality of waste threads include fibers having a substantially uniform length.

Conventionally, a binding product is used to keep fibers bound together in fiber containing, disposable products. However, when these conventionally-produced products are moistened or immersed in liquid, they lose their consistency and cannot be reused. Furthermore, the binding agents used to hold the fibers together are pollutants which are not biodegradable.

The claimed invention of exemplary claim 1, on the other hand, provides a

woven/non-woven fabric including fibers having a substantially uniform length (see Application at page 9, lines 19-21). This combination of features provides a fabric that is reusable, tear-resistant when dry or soaked, very high in absorption capacity, ecological and biodegradable (see Application at page 2, lines 10-12).

II. THE PRIOR ART REJECTIONS

A. The Quantrille Reference

The Examiner alleges that Quantrille teaches the claimed invention of claims 14-17. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Quantrille.

That is, Quantrille does not teach or suggest “*wherein said plurality of waste threads comprises fibers having a substantially uniform length*” as recited by exemplary claim 1.

The Examiner attempts to rely on column 3, lines 30-37 and column 5, lines 16-20 of Quantrille to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these passages (nor anywhere else for that matter) does Quantrille teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the plurality of waste fibers include fibers having a substantially uniform length. Indeed, the Examiner does not even suggest that Quantrille teaches or suggests this feature. Quantrille does not even mention the length of the waste fibers, let alone teach or suggest that the waste fibers include a uniform length.

Quantrille merely discloses an elastic fabric made by a net combined with a fibrous layer including 20 wt% thermoplastic elastomer stressed at a temperature of up to 70°C. In contrast, the claimed invention may drying at a temperature of approximately 160°C and it is

100% pure cotton. Therefore, Quantrille claims a different product and a different process than the claimed invention.

Moreover, nowhere does Quantrille teach or suggest a woven/non-woven fabric “*wherein said plurality of waste threads comprises fibers in a range of length between about 8 mm to about 18 mm*” as recited in exemplary dependent claim 15 and newly added exemplary dependent claim 18.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B. The Cohen Reference

The Examiner alleges that Cohen teaches the claimed invention of claims 14-17. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Cohen.

That is, Cohen does not teach or suggest “*wherein said plurality of waste threads comprises fibers having a substantially uniform length*” as recited by exemplary claim 1.

The Examiner attempts to rely on column 6, lines 5-10 and column 9, lines 25-32 of Cohen to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these passages (nor anywhere else for that matter) does Cohen teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the plurality of waste fibers include fibers having a substantially uniform length. Indeed, the Examiner does not even suggest that Cohen teaches or suggests this feature. Cohen does not even mention the length of the waste fibers, let alone teach or suggest that the waste fibers

include a uniform length.

Cohen merely discloses a fibrous composite structure including a matrix of fibrous material that can include one or more secondary materials among woven fabric, knit fabric and non-woven fabric. In contrast, the claimed invention is 100% pure cotton. Furthermore, the non-woven fabric of Cohen can include different products such as textile fibers, wood pulp, polymers, etc. Therefore, Cohen teaches a different product than the claimed invention.

Moreover, nowhere does Cohen teach or suggest a woven/non-woven fabric "*wherein said plurality of waste threads comprises fibers in a range of length between about 8 mm to about 18 mm*" as recited in exemplary dependent claim 15 and newly added exemplary dependent claim 18.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

C. The Evans Reference

The Examiner alleges that Evans teaches the claimed invention of claims 14-17. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Evans.

That is, Evans does not teach or suggest "*wherein said plurality of waste threads comprises fibers having a substantially uniform length*" as recited by exemplary claim 1.

The Examiner attempts to rely on the Abstract and column 3, lines 20-37 of Evans to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these passages (nor anywhere else for that matter) does Evans

teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the plurality of waste fibers include fibers having a substantially uniform length. Indeed, Evans merely discloses that the staple-length textile fibers may have a length from about 6mm to 15cm (see Evans at column 3, lines 20-37).

Applicants have discovered the significance of the length of the plurality of waste fibers. As pointed out in the Application, if there is a significant difference in the length of the fibers, then the fibers will be laid on the belt in an irregular way. If the fibers are laid on the belt in an irregular way they will produce an uneven web (see Application at page 9, lines 19-21). Applicants believe that the claimed feature recited in claim 1 is an important contribution to the art for achieving the desired results of the claimed invention.

Applicants point out that MPEP 2144.05 states that “[t]he law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims”. That is, a specific range or other variable in a claim may provide patentable weight to a claim if the applicant can show that the particular range is important (see MPEP 2144.05). In order to anticipate this claimed range, the specific limitation must be disclosed in the reference with “sufficient specificity to constitute an anticipation under the statute” (see MPEP 2131.03). As stated above, Evans does not even mention a relationship between the length of the fibers and an evenness of the resulting web. That is, Evans clearly fails to recognize the significance of this parameter.

Therefore, the specific feature recited in exemplary claim 1 clearly shows a technical effect and is not arbitrarily selected to solve the problems presented in the Application.

Furthermore, Applicants submit that the MPEP provides that “[a] particular parameter must first be recognized as a result-effective variable, i.e., **a variable which achieves a**

recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation” (MPEP at 2144.05) (emphasis added). Here, the only result that these references suggest as being affected by fiber length is resistance to entanglement. Evans lists fiber length as one of a plurality of fiber characteristics they can effect the fibers’ resistance to entanglement. Evans teaches that smaller fibers are more readily entangled than longer fibers (see Evans at column 3, lines 19-32). However, this is unrelated to optimizing a fiber length for providing the desired results of the claimed invention.

That is, nowhere does Evans teach or suggest that the length of the fiber may have any effect on the evenness of the web. Certainly, Evans does not teach or suggest that a significant difference in the length of the fibers will result in an uneven web. Therefore, it is clearly unreasonable to suggest that Evans teaches or suggests that the length of the fibers in a plurality of waste fibers of a woven/non-woven fabric is merely a result effective variable.

Furthermore, Evans merely teaches a nonwoven fabric prepared by assembling layers of staple-length textile fibers together with reinforcing strands (see Evans at column 1, lines 18-21) relatively difficult to entangle. Evans also states that “all types of fibers are suitable for use as the staple-length fibers and that they may have a length from 6 mm to 15 cm (see Evans at column 3, lines 33-55). In contrast, the length of the fibers according to an exemplary aspect of the claimed invention may be from 8 mm to 18 mm. Therefore, Evans teaches a different product than the claimed invention.

Moreover, nowhere does Evans teach or suggest a woven/non-woven fabric “*wherein said plurality of waste threads comprises fibers in a range of length between about 8 mm to*

about 18 mm” as recited in exemplary dependent claim 15 and newly added exemplary dependent claim 18.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 21-28 have been added to provide more varied protection for the claimed invention and to claim additional features of the invention. These claims are independently patentable because of the novel features recited therein.

Applicants respectfully submit that new claims 21-28 are patentable over any combination of the applied references at least for analogous reasons to those set forth above with respect to claims 14-17.

IV. FORMAL MATTERS AND CONCLUSION

Applicants respectfully submit that the claims have been amended to overcome the Examiner’s objections.

Regarding the Examiner’s objection of claims 14-17 Applicants respectfully submit that the term “woven/non-woven” is clearly defined in the specification. That is, “[i]t is noted that, for purposes of the present application, a “woven/non-woven fabric” is called “woven” because it looks like fabric and “non-woven” because in the production process a loom is not employed” (see Application at page 2, lines 7-9). The term “woven/non-woven” does not mean woven or non-woven as interpreted by the Examiner.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 14-28, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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